IN THE HIGH COURT OF JUDICATURE AT BOMBAY

T. & I. J.

NOTICE OF MOTION NO.1261 OF 2004
IN
SUIT NO.46 OF 1996
IN
PETITION NO.234 OF 1996

Mrs.Surekha Suresh Juvekar .. Petitioner

Vs.

Smt.Shubhada P.Juvekar & Ors. .. Respondent

None for the petitioner

Mr.P.G.Lad for the Caveator

CORAM : S.U.KAMDAR, J

DATED : 12TH AUGUST, 2005

P.C.:

1. The present motion was on board on 22.7.05, 5.8.05 and 11.8.05. None appeared for the petitioner. I accordingly directed the counsel for the respondents to give notice to the counsel for the petitioner which has been done by the counsel for the respondent. Copy of the notice is taken on record. Inspite of the same, none appears for the petitioner. In view of the aforesaid, the following order is passed.

2. In so far as prayer clause (a) is concerned, the learned counsel for the petitioner states that the same is not pressed at this juncture because the filling up of water by the tankers from the well has stopped and seeks liberty to apply as and when and if necessary. He does not press prayer clause (b) and (c) of the motion. In so far as prayer clause (d) is concerned, I am informed that the said premises being Block No.8, situated on the Ground Floor of the Building known as Suresh situated on plot of land bearing old No.273, 527 in Survey No.A/11A/3960-4423, C.S.No.2555, Mahim Division, Dadar, Mumbai has been taken in possession by the petitioner in execution of decree passed by the Small Causes Court at Bombay.

3. In the light of the aforesaid, petitioner is restrained by order and injunction in any manner creating any third party rights and / or part in possession thereof, till further orders. Motion disposed of accordingly.